



POLICE DEPARTMENT  
Communications Division  
1 Police Plaza  
New York, N.Y. 10038

94-102

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December 07, 2005

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Federal Communications Commission  
Office of the Secretary

The Honorable Kevin Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC 20554

RE: Docket 94-102

Dear Mr. Chairman:

The Police Department of the City of New York has been following closely the ongoing dialogue occurring within the Public Safety Community regarding testing of wireless carriers' compliance with the location accuracy targets set forth in Docket 94-102. This particular correspondence is motivated by a review of letters you have received from APCO International and NASNA, letters which can fairly be characterized as presenting two opposed views of what represents an adequate approach to Phase II accuracy: either at a PSAP level or at a State level.

The NYPD is wholly supportive of the position taken by APCO International. We believe testing should occur on a PSAP basis, not a statewide one.

We would like to emphasize that we base our view on our own direct, extensive experience and observations in the real world performance of the carriers in our city, and not on any theory or philosophy regarding hypothetical situations. Our experience can be briefly summarized as follows:

- As you know from our past correspondence, the NYPD has fully implemented Wireless Phase II in our city. During the implementation process, we discovered a number of characteristics of carrier performance that raised issues in our minds. These concerns were particularly felt with respect to the degree of accuracy that the carriers were providing, or could provide within our area of operations.
- Our concerns were so great that we secured the services of an independent, third party in order to test the quality of service that was being delivered. That engineering firm in cooperation with the N.Y.P.D performed tests in compliance with OET-71 guidelines. We determined from the results that for all the carriers providing wireless services in New York City, only one met the accuracy standards for Phase II calls delivered, and even that carrier did not deliver 95% of all calls with a Phase II location.

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- Since that time we have engaged with the carriers—with the help of your intervention—in a constructive dialogue as to provision of these services going forward. And, in fact, at least one carrier has provided assurances to us that they now meet the accuracy standards within the City, based on their testing.

Our intent in this letter is not to raise issues regarding carrier compliance only for New York City, but to cite our experience, as it is relevant to the issue of deciding at what Phase II accuracy should mean.

Our position, based on the fact that we implemented Phase II service, is in support of APCO, based on the following:

- Although we asked for supporting data on accuracy and compliance during their implementation, with one exception, all the other carriers would ever provide by way of assurance was simply the statement that their technology had been found to be adequate, and that they only had to comply on a national footprint basis. Without our having acquired our own empirical evidence from a test wherein there was demonstrated a performance shortfall, we would not have known that the carriers were not in compliance. Without having had those results to present to your agency, we do not believe that the current necessary dialogue on this issue would be occurring. Without PSAP based empirical testing, we do not believe we would have any reliable way of measuring what type of Phase II accuracy the City of New York receives.
- We have always held that, beyond compliance with your agency's standards, this Department had a need, if not an obligation, to fully understand the quality of the service delivered by the wireless carriers within our operating jurisdiction. We need to know the accuracy under which we are dispatching responders to an incident. Testing on the PSAP level is the only meaningful, manageable way such information can be obtained.
- New York City may operate only one PSAP, but we nonetheless provide essential public safety communications to the nearly eight million people in five counties. Thus we feel that the NRIC recommendations are wholly inadequate to the issues at hand. Moreover, the wording of the recommendations provides the legal basis for a refusal to provide accurate Phase II data in an area that represents a significant population as well as major economic activity—in fact, early in the process, we were told by several carriers that PSAP based accuracy was not required, and that they thus felt justified in declining to meet Phase II requirements in our area, even though the population exceeds that of several states.
- Related to the above point, we note that the population served and the number of 9-1-1 calls placed from within the five boroughs exceeds the corresponding requirements of many of the states (even combined) that are members of NASNA.
- The NRIC proposal is clearly insufficient for our use, and, we firmly believe, for the use of any other large metropolitan area. Yet if adopted, we fear, it could potentially serve as the authoritative basis by the carriers to refuse any appeal for empirical testing or improved performance.

- Moreover, the NRIC recommendation for statewide accuracy, based on statewide deployment, is insufficient with respect to its suggestions related to the timing of testing: the NYPD has invested enormous resources in the deployment of Phase II. How long do we have to wait until the New York State deployment of each carrier has reached the threshold before we have any accurate location data? Based on the structure of the NRIC recommendation, it might take years before the carriers were required to test accuracy.

With respect to the correspondence from NASNA, we feel that a more appropriate way to deal with the issue of compliance is to maintain a focus on current accuracy requirements (by PSAP) and continue to test to understand where the state of the art currently exists, and to do so in a way that is meaningful to public safety agencies, i.e. PSAPs.

Thus PSAPs will fully understand the aspects of the service they receive. The NASNA argument apparently concedes that the carriers have failed to meet the original standards, but posits the recommendation that the public safety community ignore the dimensions of the gap between the standard of 94-102 and actual performance. Ignoring a problem is not a constructive first step in addressing it. We view the proper objective of NRIC to be the provision of a solution, or at least a path to a solution, not merely a consensus on concessions.

In summary, the N.Y.P.D., based on four years of Phase II experience in the busiest PSAP in the country, feels that testing on the PSAP level provides not only the required understanding of operational realities on a local level, but also could serve as the basis for a general reassessment of the accuracy requirements, based on the characteristics of the community served. Any other basis for providing Phase II data would ultimately diminish the quality of public safety service we are committed to provide to the public.

Please know that the N.Y.P.D. is committed to assisting you and the F.C.C. in any way you may find useful regarding this important public safety issue. You can contact me at 646-610-6765 (e-mail [cdowd@nypd.org](mailto:cdowd@nypd.org)) or at the above address. We at the N.Y.P.D. thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles F. Dowd", with a stylized flourish at the end.

Charles F. Dowd  
Inspector  
Commanding Officer,  
Communications Division  
N.Y.C. E-911